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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Seventeenth session

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Held at the Palais des Nations, Geneva,
on Monday, 1 December 1997, at 10 a.m.

Chairperson: Mr. ALSTON

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The meeting was called to order at 10.10 a.m.

GENERAL DISCUSSION: "NORMATIVE CONTENT OF THE RIGHT TO FOOD" (ARTICLE 11 OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS) (agenda item 7)

1. The CHAIRPERSON said that the discussion was to take the form of a two-day consultation. The first day would be spent on the right to adequate food as a human right. The second day would focus on the means whereby effect could be given to that right and on the role of the various institutional actors, for which purpose the Office of the High Commissioner for Human Rights had invited an impressive number of experts to attend the meeting. The emphasis now must be on the practical, the concrete and the specific implications for the future work of the Committee. It was envisaged that the discussions would lead to a statement on the Committee's views with respect to certain key issues and provide a basis for a general comment to be adopted by the Committee as it reviewed its procedures and approach to the right to food.

2. He took the opportunity to pay tribute to a number of participants, including NGOs, who had done pioneering work to secure recognition of the right to food. He commended, in particular, the Foodfirst Information and Action Network (FIAN), which had undertaken a major NGO initiative in drafting a code of conduct on world food security which, in his opinion, laid the foundation upon which the work of the international community could move forward.

3. He went on to introduce the background papers contributed by various international agencies, NGOs and experts, and highlighted the report on the 1996 World Food Summit, which endorsed the right to food, and granted it prominence in its Final Declaration, and also, in the Programme of Action, calling on the Office of the High Commissioner for Human Rights, the Food and Agriculture Organization (FAO), the Committee and other international agencies, to move forward in better defining the content of the right to food, setting in motion the institutional and other measures necessary to give it effect.

4. The meeting was suspended at 10.30 a.m. and resumed at 10.40 a.m.

5. The CHAIRPERSON said he wished to launch the debate on the "missing" right, namely, the right to food. Why was the right to food invisible? Why did some Governments ignore or tend to deny it, and why was the United Nations system not mobilizing its resources around the right to food? On that note, he invited the High Commissioner for Human Rights to open the proceedings.

6. Mrs. ROBINSON (High Commissioner for Human Rights) said that she was particularly pleased to underscore the importance of the consultations on the right to adequate food as a human right in order to ensure that it would no longer be the "hidden" or "forgotten right".

7. United Nations global conferences and summits had increasingly touched upon the importance of economic, social and cultural rights. In particular, the World Conference on Human Rights in Vienna, in 1993, and the World Summit for Social Development in Copenhagen, in 1995, had both given impetus to the

realization of the entire range of those rights as prerequisites for respect for human dignity and sustainable development. The Social Summit had stressed the role of the Committee on Economic, Social and Cultural Rights in monitoring the aspects of the Summit's Declaration and Programme of Action that related to compliance with the Covenant. Similarly, the World Food Summit in Rome had emphasized the same idea in relation to article 11 of the Covenant.

8. She wished to express her appreciation to the Committee for its decision to devote the day of general discussion to the right to food as the next major subject for analysis. Unquestionably, the consultations would provide important guidance for human rights workers and represent a pivotal contribution to one of the greatest challenges - appropriate nutrition for all people. From the outset, she had been convinced of the importance of a homogeneous and holistic approach to human rights, particularly the right to development and the role of economic, social and cultural rights. The World Conference on Human Rights had reaffirmed all human rights as universal, indivisible and interrelated, but, in practice, there was no doubt that there was a difference in the treatment of the whole set of civil, cultural, economic, political and social rights. Whereas clear standards had been set regarding the content of civil and political rights, the precise meaning and benchmarks of economic, social and cultural rights had remained vague in many instances.

9. In Commitment Seven of the World Food Summit Plan of Action, Governments had undertaken to implement, monitor and follow up the Plan of Action at all levels in cooperation with the international community. They had agreed, inter alia, to clarify the content of the right to adequate food and the fundamental right of everyone to be free from hunger, as stated in the International Covenant on Economic, Social and Cultural Rights and other relevant international and regional instruments, and to give particular attention to implementation and full and progressive realization of that right as a means of achieving food security for all. To that end, the Summit had invited the Committee to continue monitoring the implementation of the specific measures provided for in article 11 of the Covenant and, invited relevant treaty bodies and appropriate specialized agencies of the United Nations to consider their contribution to the further implementation of that right.

10. She had also been invited, in consultation with relevant human rights treaty bodies, and in collaboration with relevant specialized agencies and programmes of the United Nations system and appropriate intergovernmental mechanisms, to better define the rights related to food in the pertinent article of the Covenant and to propose ways to implement and realize those rights as a means of achieving the commitments and objectives of the World Food Summit, taking into account the possibility of formulating voluntary food guidelines for food security for all. That invitation had later been endorsed in Commission on Human Rights resolution 1997/8. Her Office had subsequently concluded a Memorandum of Understanding with FAO to enhance cooperation in implementing the recommendations of the World Food Summit. She wished personally to support the work of the Committee and its commitment and to follow the outcome of the deliberations.

11. The right to food was recognized in international law, in both general and specific terms. The task at hand was to better define the rights relating to food and to envisage their implementation, building on the expertise and methodological findings of the Committee. As to the celebration of the Universal Declaration of Human Rights, she believed it was not appropriate to celebrate when so many people were denied access to the most basic rights. The year beginning 10 December 1997 would be a year in which to rededicate and focus energies on the essential rights. Academic and non-governmental communities had made significant contributions to the elaboration of criteria for implementing economic, social and cultural rights which might be applied to the right to food. For example, the 1987 Limburg Principles had provided a comprehensive vision to guide the implementation of the Covenant. Ten years later, in 1997, they had been followed by the Maastricht Guidelines on Violations of Economic, Social and Cultural Rights.

12. She also highlighted the study conducted by Mr. Eide, "The Right to Adequate Food as a Human Right", prepared for the Sub-Commission on Prevention of Discrimination and Protection of Minorities, as one of the methodological findings relating specifically to the right to food that had become valuable as basic reference material. The study acknowledged that examining the right to adequate food could not be undertaken without considering the broader international legal framework within which it had been proclaimed, and therefore it must be considered in relation to the precise nature and standing of the rights contained in the Covenant.

13. A number of questions could be posed. Whose responsibility was it to implement the right to food at the international, national or local levels? How was one to apply the legal framework in concrete cases? What role should civil society play? In order to answer some of those questions, representatives of various sectors with differing backgrounds and expertise had been invited to participate, along with technical and nutritional experts, human rights lawyers and the experienced members of the Committee. The ensuing dialogue would contribute substantially to a better understanding of the issues. As people would be invited to become familiar with the articles of the Universal Declaration of Human Rights, article 11 would take on a much more significant priority and content.

14. Lastly, she wished the participants a fruitful and challenging discussion that would focus on the implementation and realization of the rights relating to adequate food. She hoped the present consultations would set the tone for future cooperation efforts and, as High Commissioner, she would be able to endorse the work and would feel reinforced by the concrete and effective proposals in connection with article 11 and its importance for so many millions of people throughout the world.

15. Mr. MEDRANO (Chairman, FAO Committee on World Food Security (CFS)) said that the CFS, which had played a major part in the preparation of the texts and in the discussions leading up to the adoption by Heads of State and Government in November 1996 of the Rome Declaration on World Food Security and the World Food Summit Plan of Action, was currently responsible for monitoring the implementation of the Plan of Action. In Commitment Seven of the Plan of Action, the Heads of State and Government had undertaken to implement, monitor and follow it up at all levels in cooperation with the international community

and, in Objective 7.4, had expressly recognized the Committee on Economic, Social and Cultural Rights as the appropriate United Nations forum to define the content and scope of the right to food under article 11 of the Covenant. The High Commissioner for Human Rights had, under the same Objective, been invited to better define the rights related to food in article 11 of the Covenant and to propose ways to implement and realize those rights.

16. The CFS thus awaited with interest the results of the Committee's deliberations on the normative content of the right to food, since its findings on how that right was to be interpreted, both as a concept and from the political point of view, would make a considerable contribution to ensuring the defence of that right and helping to achieve the goal of the Rome Declaration. That would pave the way for official recognition by the General Assembly of the United Nations of the right to food as a fundamental human right in the year of the fiftieth anniversary of the Universal Declaration of Human Rights.

17. Mr. WERKEIL (Director, FAO Agriculture and Economic Development Analysis Division) recalled that the World Food Summit had reaffirmed the right of everyone to have access to safe and nutritious food, consistent with the right to adequate food and the fundamental right of everyone to be free from hunger.

18. As a United Nations specialized agency with a mandate to ensure that right, FAO was engaged in specific action to assist member countries in enhancing the capacity of their peoples to produce food for themselves or for others, and through such activity earn sufficient income to give access to adequate food or other essential needs; to ensure that the entire food supply chain made food accessible, affordable and safe; to ensure proper utilization of food through information and education; and to preserve the capacity of future generations to meet their own needs by focusing on sustainability. FAO was joined in its efforts by other international agencies, notably the International Fund for Agricultural Development (IFAD) and the World Food Programme (WFP).

19. FAO's activities were described in more detail in the background paper provided. In that context, the Rome Declaration on World Food Security and the World Food Summit Plan of Action provided the political, conceptual and technical guidelines for action by Governments, national societies and the international community to achieve world food security. Putting the Commitments of the Plan of Action into practice would go much of the way towards realizing the right to food. FAO's role would be to contribute towards that end, in cooperation with all relevant partners, an endeavour that entailed a number of aspects.

20. First, consideration had to be given to the conditions required to ensure sustainable, universal food security. It was not enough to increase food production faster than population growth: it was also essential to ensure access to the means to produce or procure food. The entire food chain had to be taken into consideration in that process, particularly in response to the growing demands involved in feeding cities. Account would have to be taken of the fact that women had an exceptionally high stake in the food system, from production to family nutrition. Investment for food security, including investment in knowledge and human development, would also have to be

stimulated, particularly in rural areas. Another critical condition was environmental sustainability, where progress would depend on adequate policies and institutions and producers would need to be associated with natural resource management adapted to local conditions. Attention to environmental needs would ensure that the right to food could be sustained from one generation to the next.

21. Second, consideration had to be given to food assistance and social safety nets. International contributions, including food aid, would in many cases remain the only means of providing for the continuing numbers of people unable to meet their own or their dependants' food needs as a result of emergencies or chronic shortages. FAO's role in that effort would be to provide early warning of food emergencies, to conduct food assessment missions in conjunction with WFP and to engage in agricultural rehabilitation. It was also important to develop information mechanisms to determine food insecurities and their causes.

22. Third, generating food production was not simply a question of increasing food output. It also involved securing employment and income, especially in rural areas, where most of the world's poor lived, in order to create the purchasing power that would allow people to acquire food. A special programme to achieve that purpose, as well as ensuring environmental, social and economic sustainability, had been launched by FAO in low-income food-deficit countries.

23. Fourth, consideration had to be given to the role of legislation in ensuring the right to food, an area which was of particular interest to the Committee on Economic, Social and Cultural Rights.

24. The FAO Committee on World Food Security (CFS) was the body responsible for monitoring implementation of the Plan of Action, including Objective 7.4, on the right to food. Governments, United Nations bodies and other international organizations were requested to report to it on the action they undertook. In that respect, the FAO Conference, at its twenty-ninth session, had welcomed the Memorandum of Understanding signed by the High Commissioner for Human Rights and the Director-General of FAO and had adopted a resolution on the right to food, which welcomed the work undertaken by the High Commissioner in following up Objective 7.4, urged that priority be given to better definition of the content and ways of implementing the right to food and called for information to the CFS on progress in the matter.

25. The CHAIRPERSON said that, before entering into the substance of the right to food, he wished to draw the Committee's attention to the plight of a former member and Vice-Chairperson of the Committee, who was now one of the 110,000 Rwandans incarcerated in their country in the aftermath of the genocide. Alexander Mutera Hejuru was an extremely gentle man, who had contributed much to the Committee in his seven years' term of office. Before the genocide had erupted, he had provided the Chairperson with information about violations of human rights committed in Rwanda by the Government he was working for, which the Chairperson had forwarded to Amnesty International because the Committee had no mandate to take action on such matters. Mr. Mutera Hejuru was currently serving his 1,050th day in prison with no formal charges laid against him and no movement on his file, despite the

efforts of various human rights groups and others to insist that at least a prima facie case be established. The Committee had done what it could to expedite consideration of his file, but there were clearly determined political efforts to prevent that happening. It was hoped that the High Commissioner would be able to take up the case when she visited Kigali later in the week.

26. In considering the best way the Committee could contribute to efforts to deal with hunger throughout the world, the details and causes of which had been endlessly debated in other forums, the suggestion by the Chairman of the CFS that it should move towards recognition by the General Assembly of the right to food as a fundamental human right was very pertinent. Although the matter of food was acknowledged in the Rome Declaration, the Covenant and the Universal Declaration of Human Rights, the first question the Committee had to ask itself was whether food was ever actually recognized as a right by Governments, institutions or the many non-governmental organizations in the human rights and development fields.

27. A second question for the Committee to consider was whether there was in fact a need to speak of a right to food. Perhaps it would be sufficient to continue to talk of food security, of ensuring people got more food or of the fight against hunger, without employing legalistic terms such as the right to food or economic rights in general. However, it should be recalled that recognition of women's rights as fundamental human rights had transformed the women's movement and focused the efforts to improve the situation of women. In the same way, considering food as a right to which every individual was entitled would help to change entrenched attitudes and mobilize action to improve food security.

28. A third issue was to consider what the normative content of the right to food might be. Perhaps it would not, as some writers assumed, be useful to enter into specific detail by making reference to such factors as transnational corporations, indigenous peoples or the like in reference to the right to food, since the precise measures required would differ from one country and one situation to another. The Committee should therefore consider how to spell out the nature of the obligation in general rather than specific terms. The real challenge before it was more in the procedural than in the substantive domain.

29. In his view, the discussion should focus on a number of questions. First, what was meant by the right to food? Second, how could that right be claimed? Third, how and in what ways could Governments and other bodies be made accountable for the realization of that right? Fourth, what was the role of domestic legislation in the implementation of that right? And fifth, who were the principal actors and what should they be doing? As he saw it, those actors were the market, civil society (including NGOs), the courts, and the administrative agencies. The Committee might consider working in conjunction with the Office of the High Commissioner to mobilize NGOs on behalf of the right to food. The questions arose as to what sort of statutory recognition the Committee should seek from Governments - constitutional or legislative - what role the courts might play in the protection of that right, and whether the administrative agencies could devise creative procedures for its fulfilment.

30. It would be worth considering whether the South African Human Rights Commission could stand as a model for other countries and whether the various national human rights commissions springing up around the world could be mobilized on behalf of the right to food. Although various international forums had made declarations upholding that right, thus far no effective monitoring mechanisms had been established. The Committee should consider cooperating with the Committee on World Food Security to encourage Governments to monitor their own behaviour. The question of what role would be played by the Office of the High Commissioner, the Food and Agriculture Organization, the World Food Programme and the International Fund for Agricultural Development should also be explored.

31. Mr. ANTANOVICH said that, although the right to food was enshrined in the Covenant as well as in other international instruments, when Governments attempted to design policies to implement that right, they inevitably failed. In effect, the right to food was a non-binding legal obligation. If the right to food was to be effectively fulfilled, Governments would need to design and implement social and economic standards that would ensure that right and it fell to the Committee to make sure that they did. Otherwise, the right to food would remain a principle of little more than political use.

32. Mr. RIEDEL said that, while the developed countries prided themselves on their constitutional provisions in the matter of civil and political rights, the right to food was not incorporated as such into law. In Germany, the constitutional guarantee of human dignity was used to uphold the right to food; a civil and political right was used to bolster a subsistence right. Many European States parties to the Covenant resorted to article 2, paragraph 1, which referred to the progressive realization of rights, to justify their failure to implement the terms of article 11. The Committee should focus its attention not on the meaning of the right to food, but on mechanisms and procedures whereby Governments would be made accountable for fulfilling their obligations regarding that right.

33. The CHAIRPERSON said that Governments should perhaps be asked to formally acknowledge the existence of the right to food.

34. Mr. EIDE (Norwegian Institute of Human Rights/Sub-Committee on Nutrition) said that rights did not become effective remedies unless civil societies championed them and took action to ensure the establishment of remedies. While the right to be free of torture had been written into law in seventeenth-century England and had later been incorporated in many constitutions, it had only recently become effective around the world. Industrialized and urbanized countries focused their attentions on the right to an adequate standard of living and the realization of that right depended on a number of mechanisms which also tacitly ensured the right to food. The question arose whether national law should explicitly guarantee it.

35. The CHAIRPERSON remarked that by allowing developed countries - which also had people who went hungry - to focus on the right to a standard of living, while insisting that developing countries acknowledge the right to food, the Committee was perhaps contributing to the perpetuation of a dramatic double standard.

36. Mr. RIEDEL asked Mr. Eide whether in Norway the right to an adequate standard of living ensured basic subsistence to, say, Travellers and displaced persons.

37. Mr. EIDE (Norwegian Institute of Human Rights/Sub-Committee on Nutrition) said that all persons who possessed the legal right to remain in Norway were entitled to social benefits, which were sufficient to ensure survival, but perhaps did not always confer dignity. At the time of the church asylum movement, the Government had, however, ultimately taken a decision to provide material support even to illegal refugees.

38. Mr. SADI said that, while on the one hand certain international bodies were conducting a pious campaign for the right to food, on the other, global economic forces were pursuing the free-market values of profit and gain. A number of years ago in Jordan, the International Monetary Fund and the World Bank had requested the Government to halt food subsidies, something which had caused riots. In his view, the crux of the matter lay in that contradiction. Furthermore, he wondered whether it was proper or even feasible to consider isolating the right to food from other rights such as work, health and housing.

39. Mr. RATTRAY said that, although it was universally recognized that survival depended on food, the existence of the right to food must be recognized as such in order for it to gain meaning. Furthermore, the right to food should not signify the minimum necessary for bare survival. The beneficiaries of the right to food must be made aware of their right, so as for them to be in a position to assert it. Governments must come to see the provision of food not as a charitable act but as an obligation. Environmental impact assessments were now considered a precondition for legislative and policy decisions. Since Government actions often determined the availability of food to populations, it might be useful to require food security impact assessments, which would be used at both the national and the international levels in the development of policy. The impact of sanctions against Iraq established under Security Council resolution 661 (1990) had a direct and crucial bearing on the question of what was meant by the right to food.

40. Mr. OSHAUG (World Alliance for Nutrition and Human Rights) said that the developed countries were not in fact dismissing the right to food, because that right was seen as an integral part of the notion of security of livelihood. Interestingly, Norway had developed its relevant social programmes because of the poor diet of workers. No one whose child was going blind or dying from malnutrition could have a sense of dignity. The matter at hand was how such persons claimed the right to food.

41. Mr. WINDFUHR (Foodfirst Information and Action Network) said that it was easier to debate the meaning of the right to food than to criticize Governments for their failure to protect that right. Developing countries avoided discussing the right to food because they feared that its implementation would be costly. Industrial countries were wary of discussing the right to food because they feared both that it would oblige them to make donations to foreign countries and that it would allow asylum seekers and unemployed persons to claim the right to greater material support. Care must be taken in defining the content of the right, so as not to burden countries

with obligations they would be unable to fulfil. On the other hand, the right to food should no longer be seen as a development measure but as the right of an individual to make a claim against the State.

42. Mrs. BONOAN-DANDAN said that States parties were often reluctant to recognize the rights set out in article 11 because they misread them to mean that Governments themselves must feed people and build houses. The matter had to be discussed, because language created awareness and helped to further define the meaning of terms. Crucially, the right to food was tied in with the right to participate in cultural life, the right to benefit from scientific advances, and the right to education. It was also closely associated with protection of the family. The discussion must focus on how to design legislation that would both reflect that right and ensure that Governments were accountable for its realization. Finally, the discussion must be couched in terms that Governments would be able to accept.

43. Mr. GRISSA said he, too, had difficulty understanding the language of lawyers. To talk about rights was to assume that there was an obligation. The right to food meant that the food was there. But food needed to be produced. It required mobilization of resources and entailed an enormous investment in transport and storage. Who financed that? Everyone was talking about the right to food, but no one had mentioned the obligation to pay taxes, for example, to finance food production. Mr. Sadi had referred to subsidies. As an economist, he could assure the Committee that eliminating subsidies would act as an incentive to production. There was a contradiction between the right to food and the production of food. Subsidization of food was tantamount to killing the goose that laid the golden egg, because it throttled production. Someone had to pay for the food. In today's world, more people died from drinking contaminated water than from starvation. Half of mankind did not have access to clean water, a matter that was as important as food. Yet everyone was stressing the right to food. He wanted to know who would bear the costs.

44. There was a Chinese saying that, if a man was given a fish every day, he would continue to expect to be fed. However, if people were taught how to fish, they became independent. The right to food was misunderstood. Was it charity, or was it a right to work? In the latter case, there was an obligation on the part of society to provide the prerequisites of work, namely education and skills. He did not see how the right to food was different from other rights.

45. The CHAIRPERSON said that there was a need to combat the perception that the right to food entailed giving people large quantities of food free of charge.

46. Mr. EIDE (Norwegian Institute of Human Rights/Sub-Committee on Nutrition) said that he wanted to respond to the comment about a double standard. In his view, the industrialized countries should explicitly recognize the right to food and housing as part of the overall adequate

standard of living referred to in article 11, paragraph 1, of the Covenant. Those rights should be incorporated in domestic legislation. Economists were utilitarian and thought in gross aggregate terms. They did not focus on the dignity of the individual. In their approach to social problems, economists must bear in mind that individuals had rights.

47. Mr. ADEKUOYE said that in a transition society in terms of economic development, one in which the extended family was required to look after its members, the right to food would come as a surprise. Perhaps that was one of the reasons why, although they had signed the Covenant, some Governments unwittingly believed that the right to food did not impose any obligation on them, but rather on the extended family. There were three basic categories in the international community: affluent societies, middle-income societies and low-income societies. Low-income societies had very little resources to devote to any right at all. The Committee always seemed to be placing emphasis on the same thing, namely the transfer of resources. It did not make sense to put the same questions to delegations from affluent countries as it did to delegations from poorer countries, countries which lacked the resources needed to transform their economies. No one asked affluent countries whether they were setting aside 0.7 per cent of their gross domestic product for international assistance. Yet such a question was most relevant in today's world.

48. Mr. ANTANOVICH said that, as a sociologist, he sometimes had difficulty understanding both lawyers and economists. On an individual level, the right to food was the right not to starve to death. On a national level, it meant that a nation must be as self-sufficient as possible. That in itself was an obligation. Viewed from that standpoint, the right to food was not so much a problem of transport or storage as a problem of production in sufficient quantities. Essentially, it was something that could be dealt with at the national level. At the international level, assistance took on importance in the event of natural and man-made disasters and in the context of international efforts to increase production.

49. Mr. RIEDEL said that the food security matrix provided in the FAO background paper clearly showed that there was a focus on the obligations of the State. But there was the other side of the coin as well: a right to food essentially applied to each and every individual. The question, then, was what exactly that right entailed. The private law analogy between rights and obligations was not very helpful in the present instance. A right was being claimed, a right that was to be understood as one vis-à-vis the State, not vis-à-vis other individuals.

50. As to the content of the individual right, the Committee should take article 11 of the Covenant as the point of departure. The problem had first arisen in 1953, when the Universal Declaration of Human Rights, instead of being transformed into a single treaty, had been divided in two, and the Western countries had insisted that the right to food, and economic and social rights generally, could only be understood as a programme, and not rights which could be claimed. Much progress had been made since then. The

Committee should proceed on the basis of its General Comment No. 3 and see how much of it could be converted into individual rights. In his opinion, article 11 contained quite a number of such rights.

51. The CHAIRPERSON said that it was very easy to present the right to food in unrealistic terms, namely as a right of any person to obtain food without any obligations attached. The Committee needed to focus on what the right to food was not, because that was a key stumbling block in terms of a public misconception about a right to welfare support for the lazy.

52. Mr. PILLAY said that if there was a right to food, then it followed that it was the citizen of the country who enjoyed that right. How did someone ensure enforcement of his right to food in the absence of any legislation? National legislation was needed so that people could seek redress in the courts and compel the State to fulfil its obligation, something that applied to developing and developed countries alike.

53. Again, if the right to food was to be written into law, the discussion should focus on the minimum content of the right, so as to require the State to meet its obligation. The core content might be the right not to starve. That raised another question, namely, why give preference to the right to food? Why not also include in domestic law the right to work and to housing? To his mind, the right to work was equally important, because people who had jobs could feed themselves. Inevitably, some legislation was necessary. There was no point in educating people about their right to food if there was no national legislation to ensure observance of that right. If there was a right to food, was there not also a right to the security of the person and the right to life?

54. Mr. WINDFUHR (Foodfirst Information and Action Network), referring to the example cited by Mr. Grissa, said that often people knew how to fish but did not have access to the coast or to a river. Hence one should start with an obligation to guarantee such access, while ensuring that fishing grounds were not depleted. That illustrated the need to talk about different levels of obligation. The matter at hand had very little to do with merely giving away food. Article 11 covered the right to an adequate standard of living, and also the fundamental right of everyone to be free from hunger. In his opinion, the latter could be called the core content, something which the State must guarantee immediately, whereas the former focused on aspects which could only be achieved gradually, by using the maximum of available resources. That idea could be a first step towards identifying the normative content of the right to food.

55. The CHAIRPERSON said he agreed with those who contended that the right to food had to be seen as a package. Civil and political rights were also split up. It was common, for example, to speak of the right not to be tortured, and nobody pointed out that that was related to the right to freedom of speech, freedom of movement, an effective police force, due process, and so on. The package was important, but the individual component parts could not be overlooked.

56. Mr. FAUNDEZ-LEDESMA (Jacques Maritain International Institute) said that the right to food and the substance of that right were closely interrelated. He would have thought that the right to food was already firmly established by international law. Since it was recognized by so many international instruments, further debate might indeed be a step backward. Reference was usually made to article 11 of the Covenant, yet it was not the only legal instrument enshrining that right. To stress that article would limit its scope of application. The main question was not to decide whether the right to food existed, but to agree on the implications. What claims and what obligations stemmed from it? It was his impression that, when economic and social rights were dealt with, there was a tendency to forget that States had undertaken to fulfil, to the maximum of their available resources, their obligations under the Covenant.

57. As to the question of content, surely the issue was one of whether those rights could be enforced, both at the national and the international level. At the present time, it was not possible to lodge a claim for a violation of the right to food.

58. Mr. EIDE (Norwegian Institute of Human Rights/Sub-Committee on Nutrition) said he agreed that the question of the right to food had to be dealt with on a case-by-case basis. It would be useful to have an analytical framework, so as to draw different conclusions depending on the country concerned.

59. The international human rights system was based on the assumption that it was the State which had the primary obligation. That did not mean the State had to be the provider of all those rights. The framework which he had developed in the context of his study on the right to food was useful in showing that that obligation could take very different forms, depending on the circumstances. Hence the need to proceed from the assumption that the individual was not only the object, but also the active subject of development, and that individuals sought to improve their situation on their own. The State must respect that freedom. When the possibility of improving one's situation was adversely affected by aggressive market forces, then the State was under an obligation to protect the individual. There was considerable legislation in countries on such matters, for example with regard to food quality, fraud and other activities which had an adverse impact on the ability of individuals to meet their needs. In his work, he had discovered that it was important to help individuals and groups of individuals to attend to their own needs. Only when that failed did the provider function come into play, for example when the lands of indigenous people in Australia had been taken from them by uranium companies and they had had no other way to ensure their own livelihood. In any event, it was necessary to define the content of the right, which was to nutritionally adequate, safe and culturally acceptable food, three aspects which were also embraced in the FAO background paper.

60. People had to have a way to lodge a claim, for which purpose a panoply of legislation was required. It would be useful to start thinking about a framework law at the domestic level, which could then serve as a point of reference for all the other more detailed provisions in the various related areas.

61. Mr. GRISSA noted that there had been many references to "the State" by those who came from such highly developed countries as Norway or Germany. But what was the State in a country such as Mozambique or Somalia? Some of the speakers had been talking through their hat. The State in many countries of the world did not have the power to protect citizens from having their throats cut, let alone ensure their right to food. As an African, he had another understanding of the State, which was as poor as he was.

The meeting rose at 1.05 p.m.